

Message Text

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PAGE 01 SANTIA 10312 282106Z
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 PA-01 PRS-01 SP-02 SS-15 HA-05
TRSE-00 IO-13 NSCE-00 SSO-00 USIE-00 INRE-00 /068 W
-----025276 282110Z /73

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 7619

C O N F I D E N T I A L SANTIAGO 10312

E.O. 11652: GDS
TAGS: SHUM, PGOV, CI
SUBJECT: GOC ANNOUNCES PROCEDURES FOR NATIONAL CONSULTATION

REF: SANTIAGO 10278

1. SUMMARY: A DECREE DESCRIBING PROCEDURES FOR THE JANUARY 4
"CONSULTATION" GENERALLY FOLLOWS PREDICTIONS EXCEPT THAT
BLANK BALLOTS WILL NOT BE CREDITED TO THE "YES" TOTAL.
THE BALLOT ITSELF IS BIASED. PINOCHET ACKNOWLEDGES THAT
THE "CONSULTATION" HAS NO PRECEDENT IN CHIELEAN JURISPRUDENCE.
END SUMMARY. END SUMMARY.

2. EVEN BEFORE THE REQUIRED APPROVAL OF THE COMPTROLLER
GENERAL'S OFFICE, THE GOC HAS ANNOUNCED THE GROUND RULES
FOR THE JANUARY 4 "NATIONAL CONSULTATION." A SUPREME
DECREE, SIGNED BY PINOCHET AND MINISTER OF INTERIOR
BENAVIDES, BY AND LARGE CONFIRMS EARLIER RUMORS -- VOTING
IS MANDATORY FOR ALL CHILEANS OVER 18 (INCLUDING ILLITERATES,
THE BLIND, AND, TROOPS IN THE ARMED FORCES -- PRE-
VIOUSLY ONLY OFFICERS VOTED) AND OPTIONAL FOR FOREIGN
RESIDENTS;

-- TOTAL VOTE AND THOSE FOR OR AGAINST THE PROPOSITION
WILL BE TALLIED (BLANK VOTES WILL NOT BE CREDITED TO THE
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"YES" COLUMN AS EMBASSY WAS GIVEN TO UNDERSTAND PREVIOUSLY);

-- AFTER JANUARY 5 NO CIVIL, MILITARY OR ADMINISTRATIVE
ENTITY WILL ACCEPT A CARNET FOR IDENTIFICATION PURPOSES
UNLESS IT HAS BEEN MARKED TO SHOW TAT THE BEARER VOTED --
THOSE WHO DID NOT VOTE HAVE EIGHT DAYS IN WHICH TO PRESENT
EXCUSES TO THE NEAREST MAYOR WHO MAY MARK THE CARNET AS

IF THE PERSON HAD VOTED.

3. SAMPLES OF THE BALLOT HAVE BEEN DISPLAYED. ABOVE THE WORD "SI" IS A DEPICTION OF THE CHILEAN FLAG. ABOVE THE WORD "NO" IS A SOLID BLACK RECTANGLE.

4. PRESIDENT PINOCHET CALLED MEDIA REPRESENTATIVES TO DIEGO PORTALES DECEMBER 27 AND SPENT A GOOD PART OF THE SESSION COUNTERING ARGUMENTS RAISED BY OPPONENTS TO THE "CONSULTATION" AND CALLING FOR A HALT TO RUMORS THAT SOME JUNTA MEMBERS DISAGREED WITH THE ELECTORAL PROCESS (SEPTEL). SINCE SOME OF THESE OBJECTIONS RESTED ON LEGAL ARGUMENTS, PINOCHET TOOK PAINS TO MAKE THE DISTINCTION BETWEEN A "PLEBISCITE" AND A "NATIONAL CONSULTATION." HE MADE THE REMARKABLE STATEMENT: "THIS PROCEDURE DOES NOT APPEAR IN ANY NORM JURIDICALLY PROVIDED FOR. IT JUST DOESN'T EXIST. THEREFORE IT IS SOMETHING THAT WE HAVE ESTABLISHED AS A WAY TO RECEIVE THE REPLY OF CHILE'S CITIZENRY."

5. COMMENT: PINOCHET HAS GOTTEN HIMSELF INTO SOMETHING OF A JURIDICAL BIND. HE COULD NOT COUNT ON THE JUNTA TO APPROVE A DECREE LAW (THE NORMAL PROCEDURE) SO HE WAS FORCED TO RELY ON A SUPREME DECREE. THIS PROCEDURE ENTAILS A RISK SINCE THE INCUMBENT COMPTROLLER GENERAL RESIGNED IN A PIQUE EFFECTIVE DECEMBER 31, AND HE MAY NOT CONFIDENTIAL

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BE IN ANY MOOD TO APPROVE A PROCEDURE WHICH PINOCHET HIMSELF HAS ACKNOWLEDGED HAS NO PRECEDENT IN CHILE. REGARDLESS, PINOCHET HAS ERODED THE SIGNIFICANCE OF THE PROPOSED PROCEDURE BY HIS ADMISSION.

6. IT IS NOT CLEAR FROM THE DECREE WHETHER IN FACT ALL BALLOTS WILL BE TALLIED (AS THE DECREE SEEMS TO SAY) OR ONLY THOSE MARKED "YES" OR "NO." IF THE FORMER, AND THE TOTALS ARE RELEASED, THE NUMBER OF BLANK OR VOID BALLOTS CAN OF COURSE BE EASILY CALCULATED.
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Copy: SINGLE
Sent Date: 28-Dec-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
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